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C O N F I D E N T I A L BOGOTA 003557

SENSITIVE
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SUBJECT: KOGUI SITUATION PROMPTS DEBATE ON RELIGIOUS FREEDOM VS.
INDIGENOUS AUTONOMY

CLASSIFIED BY: Mark A Wells, Political Counselor; REASON: 1.4(B), (D)

SUMMARY

11. (C) Indigenous Kogui Christian Antanacio Moscote told us 28 Christians were detained by the Gonawindua Tayrona Organization (OGT), the governing body of the Sierra Nevada indigenous reserve, for failing to observe traditional religious rites. Moscote said traditional Koguis were willing to coexist with the Christians, but that the OGT, which is controlled by other ethnic groups, was opposed. The OGT has denied holding anyone against their will, and cites court decisions that uphold indigenous autonomy and the right to prohibit public practice of Christianity on indigenous reserves. According to an Accion Social (the government's development agency) representative, GOC agencies are wary of interfering with indigenous autonomy. End Summary.

CHRISTIANS DETAINED

12. (C) On December 1 Antanacio Moscote, a member of the Kogui indigenous Christian community, told us the OGT, the governing body of the Sierra Nevada indigenous reserve (in the La Guajira, Cesar, Magdalena departments), began detaining Kogui Christians from the Don Diego river valley on October 27. Moscote reported that five detainees either escaped or were released for health reasons. By December 10, the total number of detained had reached 28 individuals, including non-Christian parents of adult converts. Many of the detained were ill and some, including a pregnant woman, had been beaten, asserted Moscote. (NOTE: Post has thus far been unable to independently confirm reports of beatings. An Early Warning System -- a program designed to alert public security forces of impending human rights violations -- analyst met with the detained Christians and OGT representatives on November 23 but the resulting report does not mention physical abuses.)

13. (C) Moscote emphasized that the Christian Kogui aspired to remain part of the Kogui community and had established an informal agreement with the local religious leaders (mamos) to participate in the community's secular life while privately practicing their non-catholic, Protestant confession. He noted that the Christians did not proselytize and followed cultural norms including dress, language, and participation in collective work. Moscote said this arrangement had satisfied Kogui leaders, who valued the Christians' contribution to the community -- especially their education and ability to speak Spanish.

KOGUIS TALK OF SECESSION

14. (C) Moscote said the Koguis' -- both Christian and traditional -- short-term goal remains the release of the detained Kogui Christians. In the long-term, Moscote explained that the Sierra Nevada reserve's 2,000 Koguis, the vast majority of which maintain traditional religious beliefs, are interested in seceding from the OGT. (Note: The Sierra Nevada indigenous reserve is composed of three indigenous groups, the Koguis, Wiwa, and Arhuaco with an estimated population of 16,000). According to Moscote, the OGT had traditionally marginalized the Koguis and denied them access to

education, health care, and other government services. As a result, many of these functions had been fulfilled by the Kogui Christians, whose population is estimated to be around 100 members, according to the OGT Governor.

OGT DENIES DETENTIONS

15. (C) Immediately preceding the first detentions on October 27, the OGT government issued a document outlining the results of a communal meeting held October 24-26 in which community leaders determined that the exercise of the Christian faith on the reserve was a violation of ancestral law. All Christians in the Don Diego river valley were ordered to undergo traditional religious training in the indigenous village of Dumingueka for at least two months. OGT Governor Jose de los Santos Sauna told us no one has been held against their will, and that those who wish to leave the reserve may do so.

LEGAL PRECEDENT PROTECTS AUTONOMY, BUT ACKNOWLEDGES RIGHT TO PRACTICE FAITH

16. (C) Colombian law grants indigenous autonomy, except in cases that contravene the constitution. The Courts have stated that indigenous governments may prohibit proselytizing within their territories. A 1998 decision (SU-510/98) clarifies that while indigenous authorities have the right to define infractions, an individual may not be sanctioned for the mere act of being Christian. The decision goes on to say, however, that if Christians refuse to comply with traditional practices, including religious customs, they may be penalized under indigenous law. A 2008 decision (T-349/08) reiterates an individual's right to practice Christianity in private on indigenous territory, but upholds the indigenous government's right to determine if the

public practice of Christianity is a threat to indigenous traditions.

GOC RELUCTANT TO INTERFERE WITH AUTONOMY

17. (C) Edwar Alvarez, Accion Social representative for the Sierra Nevada region, told us the GOC was hesitant to meddle in internal indigenous matters, but that they were concerned about the case. Other government agencies, including the Ministry of Interior and Justice and the Presidential Program for Human Rights, are actively investigating. Government officials initially expressed confidence that the situation would be quickly resolved, but after a December 4 meeting between government representatives and the OGT, momentum appears to have slowed. Another meeting between the GOC and OGT is scheduled for January 20.

18. (C) The Kogui Christians have received political support from Senator Victor Velasquez, President of the Human Rights Committee. Colombian Evangelical groups have also expressed support. In

addition, Post has received dozens of emails from U.S. missionary groups requesting Embassy intervention. Our approach has been to consult with the GOC on its response and avoid any direct involvement in the dispute.

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